S.B.CIVIL WRIT PETITION NO.1096/2007

Budha Ram
v.
Union of India & ors.

Date of Order :: 29th August, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Tribhuvan Gupta, for the petitioner.
Mr. P.S.Bhati]
Mr. Arun Bhansali] for the respondents.

....

The Hindustan Petroleum Corporation Ltd. (hereinafter referred to as "the Corporation") under an advertisement Anx.P/1 proposed for appointment of retail outlet dealers. In pursuant thereto, the petitioner submitted an application to be appointed as outlet dealer for Borunda State High Way-21 shown at Sr.No.121 in advertisement Anx.P/1. The Senior Regional Manager of the respondent Corporation under a communication dated 1.12.2006 cancelled the proposal made under the advertisement Anx.P/1 for location No.122 Borunda State High Way-21. By an another communication dated 4.12.2006 the Senior Regional Manager of the respondent Corporation changed location of retail outlet dealership from Nadol District Pali to Borunda State High Way-21 in favour of the respondent No.5 who was already having a letter of intent in her favour. Being aggrieved by the communications dated 1.12.2006 and 4.12.2006, this petition for writ is preferred.

The contention of counsel for the petitioner while assailing validity of the decisions referred above is that the process of selection relating to location No.122 Borunda State High Way-21 was made by the respondent Corporation only under the influence of the respondent No.5 with view to accommodate her at Borunda State High Way-21. It is pointed out by counsel for the petitioner that as a matter of fact cancellation was with regard to location No.122 and not for Borunda State High Way-21.

A reply to the writ petition has been filed on behalf of the respondent Oil Corporation as well as on behalf of the respondent No.5. The stand of the respondent Oil Corporation is that certain directions are prescribed by the Ministry of Petroleum and Natural Gas for operation of retail outlets of Corporation operated outlets and according to that temporary company operated retail outlets may be faced out preferably within a year in order of preference whereas under a corpus fund scheme (SC/ST) category, dealership, widows and women about 40 years of age without earning parents have preference after special scheme relating to Kargil Allottees and discretionary quota scheme. The retail outlet was awarded to the respondent No.5 under company operated retail outlet scheme by operating the preference referred above. It is also asserted that cancellation of proposal made under the advertisement Anx.P/1 does not create any

right in favour of the petitioner as no selection proceedings took place thereunder.

Heard counsel for the parties and perused the pleadings.

The respondent Corporation by advertisement Anx.P/1 made a proposal for allotment of its retail outlets at various places, however, it is not in dispute that before cancellation of proposal relating to Borunda State High Way-21 no selection proceeding was conducted, as such no right for allotment of retail outlet at Borunda State High Way-21 was created in favour of the petitioner, performance of that can be ordered to be made by this court.

The respondents in accordance with the guidelines prescribed by the Ministry of Petroleum and Natural Gas granted retail outlet to the respondent No.5 by operating the preference she being a woman from Scheduled Caste category. There is nothing available on record on basis of which it can be said that such preference was given to the respondent No.5 erroneously or the proposal for Borunda State High Way-21 was cancelled only to accommodate. The respondent Oil Corporation as a matter of fact acted in accordance with the guidelines given by the Ministry of Petroleum and Natural Gas and allotted retail outlet to the respondent No.5 as she was

already having letter of intent in her favour and also being a women of Scheduled Caste.

The writ petition is dismissed having no merit.

(GOVIND MATHUR),J.

Kkm/ps.